IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Bail Appl..No. 6463 of 2007()

CMP.9162/2007 of J.M.F.C.-III, PUNALUR
CRIME NO.533/07 OF PUNALUR POLICE STATION

.....

: PETITIONER/ACCUSED

RAJAN, S/O.DAMODHARAN, AGED 40 YEARS,
VALLATHU RAJESH BHAVAN, MATHRA MURI,
KARAVALOOR VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI. K.SIJU

RESPONDENTS:

STATE OF KERALA REPRESENTED BY
S.I. OF POLICE, PUNALUR POLICE STATION
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6463 of 2007

Dated this the 31st day of October, 2007

ORDER

Application for regular bail. The petitioner faces allegations in a crime registered under Section 376 r/w 511 I.P.C. The alleged incident had taken place on 8.9.07. The victim is a child, aged about 11 years, residing near the locality where the petitioner, a married person, is working as a rubber tapper. The petitioner is alleged to have attempted to commit rape on the said child on 8.9.07. The child did not immediately complain, but later started complaining to her mother about the improper behaviour of the petitioner. When the child was questioned closely, she narrated the incident that happened to her parents. It was accordingly that a belated complaint was filed on 7.10.07. The petitioner was arrested on that day and he continues in custody thereafter.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The belated complaint has been filed only to vex and harass the petitioner. The petitioner, who has remained in custody from 7.10.07, may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The allegations reveal great depravity of mind on the part of the petitioner, a married person with a child. The investigation is not complete. At any rate, the petitioner may not be enlarged on bail at

this early stage of investigation, submits the learned Public Prosecutor.

4. I have perused the case diary. Having considered all the relevant inputs, I am persuaded to agree that there is merit in the opposition by the learned Public Prosecutor. I am satisfied that the petitioner is not entitled to be enlarged on bail at this early stage. In coming to this conclusion, I have taken note of the relevant inputs including the nature and gravity of the allegations raised against the petitioner, the quantum and quality of the data collected, the stage of the investigation and the possible deleterious impact which the release of the petitioner at this early stage would leave behind on the law and order situation in general and the investigation of this crime in particular.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 14.11.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-